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SAN DIEGO UNIFIED SCHOOL DISTRICT and
JAMES GOOD

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

KAYLA CASHMAN BY AND THROUGH
HER GUARDIAN AD LITEM,
BERNADETTE HILGEMAN; AND
STEPHEN CASHMAN, AN INDIVIDUAL,

Plaintiffs,

v.

SAN DIEGO UNIFIED SCHOOL
DISTRICT; JAMES GOOD,
INDIVIDUALLY, and DOES 1 through 20,

Defendants.

CASE NO. 08 CV 0519-BEN (POR)

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISMISS
PURSUANT TO F.R.C.P. 12(b)(1), (6)**

[F.R.C.P. 12(b)(1),(6)]

DATE: August 4, 2008
TIME: 10:30 a.m.
COURTROOM.: 3
JUDGE: Hon. Roger T. Benitez

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on August 4, 2008, at 10:30 a.m. or as such other time as may be directed by the Honorable Roger T. Benitez in Courtroom 3 of the above-entitled Court, located at 940 Front Street, San Diego, California, Defendants SAN DIEGO UNIFIED SCHOOL DISTRICT (the "District") and JAMES GOOD ("Mr. Good," and collectively with the District, the "Defendants") will and hereby does move the Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) dismissing the first amended complaint of Plaintiffs KAYLA CASHMAN ("Ms. Cashman") and STEPHEN CASHMAN ("Mr. Cashman,"

1 and collectively with Ms. Cashman, the "Plaintiffs") for lack of subject matter jurisdiction and
2 failure to state a claim upon which relief may be granted.

3 The motion will be based on this Notice of Motion and Motion, the Memorandum filed
4 herewith, the Request for Judicial Notice and the pleadings and papers filed herein, and such
5 other pleadings, evidence or argument as may be presented to the Court at or prior to the hearing
6 on this matter.

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8 DATED: June 18, 2008

HIGGS, FLETCHER & MACK LLP

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10 By: 

11 STEVEN J. COLOGNE, ESQ.
12 MICHAEL R. GIBSON, ESQ.
13 Attorneys for Defendants
14 SAN DIEGO UNIFIED SCHOOL
15 DISTRICT and JAMES GOOD
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